

# O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY

Certified by the Supreme  
Court of New Jersey  
as a Civil Trial Attorney

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May 2, 2025

**Via ECF**

Hon. Susan D. Wigenton, U.S.D.J.  
United States District Court Judge  
United States District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: The Estate of Kristen McCartney, et al. v. Seton Hall University, et al.**  
**Civil Action No. 24-6179**

Dear Judge Wigenton:

This firm represents Seton Hall University, Seton Hall's Board of Trustees, Seton Hall's Board of Regents (collectively, "Seton Hall Defendants"), Cardinal Joseph W. Tobin ("Cardinal Tobin"), and Diane Lynch (collectively with the "Seton Hall Defendants," "Defendants") in the above-referenced matter. Please accept this letter as Defendants' request that this Court issue an Order dismissing Cardinal Tobin and Ms. Lynch from this matter with prejudice.

Cardinal Tobin and Ms. Lynch were named as defendants in the initial Complaint filed by Plaintiffs. On June 20, 2024, Defendants filed a Motion to Dismiss Plaintiffs' Complaint with prejudice. On January 7, 2025, this Court entered an Order granting Defendants' Motion without prejudice and permitted Plaintiffs to file an amended complaint within thirty (30) days. This Court also noted in its January 7<sup>th</sup> Order that failure to timely file an amended complaint may result in the dismissal of this matter with prejudice.

On February 6, 2025, Plaintiffs filed their Amended Complaint against the Seton Hall Defendants. They did not identify Cardinal Tobin or Ms. Lynch as defendants in their Amended Complaint. Accordingly, as more than thirty (30) days have passed since this Court's January 7, 2025, Order, and Plaintiffs did not identify Cardinal Tobin or Ms. Lynch as defendants, we respectfully request that this Court enter an Order dismissing Cardinal Tobin and Ms. Lynch from this matter with prejudice.

We thank Your Honor for her consideration of this request.

*The Estate of Kristen McCartney, et al. v. Seton Hall University, et al.*

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Respectfully submitted,

O'Toole Scrivo, LLC

*/s/ Joseph J. McGlone*

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